

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
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Alex TSUI, et al.	:	Confirmation Number: 3011
	:	
Application No.: 10/730,656	:	Group Art Unit: 2163
	:	
Filed: December 8, 2003	:	Examiner: A. Lie
	:	
For: UNIFIED LOGGING SERVICE FOR DISTRIBUTED APPLICATIONS	:	

**REPLY BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted under 37 C.F.R. § 41.41 in response to the EXAMINER'S ANSWER dated June 25, 2008.

The Examiner's response to Appellants' arguments submitted in the Third Appeal Brief of April 7, 2008 (hereinafter the Third Appeal Brief), raises additional issues and underscores the factual and legal shortcomings in the Examiner's rejection. In response, Appellants rely upon the arguments presented in the Third Appeal Brief, and the arguments set forth below.

**REMARKS**

Appellants have compared, with regard to claim 1, the statement of the rejection found on pages 3 and 4 of the Examiner's Answer with the statement of the rejection found on pages 3 and 4 of the Fourth Office Action. Upon making this comparison, Appellants have been unable to discover any substantial differences between the respective statements of the rejection. As such, Appellants proceed on the basis that the Examiner's sole response to Appellants' Third Appeal Brief is found on pages 7-11 of the Examiner's Answer.

On page 7 of the Examiner's Answer, the Examiner reproduced page 6, line 24 through page 7, line 10 of the Third Appeal Brief, and on page 8 of the Examiner's Answer, the Examiner responded to these arguments. Initially, the Examiner asserted the following:

The Appellant alleges that information definition is entirely different from the log information, but that is not what Harita teaches. In column 10, lines 43-50, Harita clearly discloses that definition information defines log and event information, thus those two pieces of information are directly related. The Examiner agrees that in addition to this descriptive information, definition data also contains schedule details, however those two types of datum can coexist without any interference, on contrary they supplement each other.

For ease of reference, column 10, lines 43-50 of the Examiner's *newly cited* passage is reproduced below:

As previously explained, in accordance with this embodiment, in the managing computer 401, the operation definition information related to the respective computers is displayed in connection with both the log information and the event information of the administrative operations defined by this operation definition information. As a consequence the operation manager can grasp the operation conditions of the computer system. (emphasis added)

Appellants respectfully submit that the Examiner's cited passage supports Appellants' contention that operation definition information is not the same as log information. Specifically, the Examiner's cited passage states that "the operation definition information related to the

1    respective computers is displayed in connection with both the log information" and not "the  
2    operation definition information related to the respective computers is displayed as log  
3    information." Thus, Hirata distinguishes operation definition information from log information.

4  
5        As discussed in column 5, lines 28-29 of Hirata, the operation definition information  
6    defines administrative operations. Referring to column 1, lines 16-18, Hirata explicitly states that  
7    "[t]he administrative operations involve a job execution process; and a process executed when a  
8    specific event occurs." Thus, the operation definition information does not identically disclose  
9    log information. Also, "those two pieces of information are directly related," as alleged by the  
10   Examiner, does not establish that those two pieces of information are identical so as to support a  
11   rejection for anticipation under 35 U.S.C. § 101.

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13  
14        Regarding Appellants' arguments as to the claimed "determining the log type of the  
15   converted log file," the Examiner further asserted the following on page 8 of the Examiner's  
16   Answer:

17        Furthermore, with respect to the Appellant's assertion regarding "determining the log type of the  
18   converted log file", the Examiner would like to note that the "control units" such as job execution,  
19   power supply and print execution (as shown in Figure 2, elements 110-112), in itself correspond to  
20   the type of log file, because for instance an event occurring in print section can not be handled by  
21   power supply and vice versa, therefore it is critical to determine which control unit is responsible  
22   for handling existing tasks and resolution of occurring errors. (emphasis added)  
23

24   Referring to the underlined portions of the above-reproduced passage, Appellants are unclear as  
25   to the relevance of the Examiner's assertions.

26  
27        For example, the Examiner asserted that "an event occurring in print section can not be  
28   handled by the power supply and vice versa." This assertion, however, confuses logging an

1 event (i.e., recording an event in a log) with handling the event (i.e., responding to the event with  
2 an action to address the event). The claimed invention is directed to logging an event, whereas  
3 elements 110-112 "execute the administrative operation defined by the operation definition  
4 information" (see column 5, lines 28-29), which "involve a job execution process; and a process  
5 executed when a specific event occurs" (see column 1, lines 16-18). The Examiner's other  
6 assertion that "it is critical to determine which control unit is responsible for handling existing  
7 tasks and resolution of occurring errors," confirms that the Examiner's analysis is not related to  
8 recording events (i.e., the claimed event log file). Instead, the teachings referred to by the  
9 Examiner's analysis regards responding to events.

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12 The Examiner further asserted the following regarding the claimed "log type" on pages 8  
13 and 9 of the Examiner's Answer:

14 Moreover, the examples of the logs pertaining to particular control units are illustrated in Figures  
15 7A and 7B. Consequently, in order for managing computer to forward the definition information  
16 invoking action pertaining to the particular control units, the determination of type of log file has  
17 to be made, otherwise requests for performing particular recovery actions (i.e. described in  
18 definition information) would be bouncing between control units which might not be capable of  
19 resolving the issue. Hence, the Examiner maintains that Narita indeed teaches "*determining the log*  
20 *type of the converted log file*". (emphasis in original)  
21

22 Again, the Examiner confuses a log with a description of an action to be taken in response to an  
23 event (i.e., the "operation definition information" of Hirata).

24  
25 As to the Examiner's assertion that "the determination of type of log file has to be made,"  
26 this assertion is a factually unsupported inherency argument. The Examiner has neither  
27 produced substantial evidence to support this assertion nor provided a reasonable explanation as

1 to why a determination of the type of log file must necessarily be present (i.e., inherent) within  
2 the teachings of Hirata.

3  
4 The Examiner's analysis improperly assumes, without factual support, that a type of log  
5 file must necessarily be associated with a different type of control unit. As discussed in column  
6 7, lines 54-61, the operation definition information 801, 802 are transferred to the power supply  
7 control unit 111 and the job execution control unit 110. Referring to the Examiner's cited  
8 passages, Appellants have been unable to find any discussion that the respective definition  
9 information 801, 802 would be considered different types of log files by one skilled in the art.  
10 Moreover, as would be recognized by one skilled in the art, the destination of the respective  
11 definition information 801, 802 could be found within a common field within definition  
12 information, and thus, different types of log files would not be necessary "to forward the  
13 definition information invoking action pertaining to the particular control units."

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16 On page 9 of the Examiner's Answer, the Examiner responded to the arguments presented  
17 on page 7, lines 12-17 of the Third Appeal Brief regarding the claimed "log handler" as follows:

18 The Examiner disagrees with the Appellant's assertion. First of all, the Examiner would  
19 like to note that the "log handler" is not defined neither in the claim nor the original specification,  
20 therefore the Examiner accorded this phrase the broadest reasonable interpretation to determine its  
21 meaning. In particular, log handler has been considered a hardware which receives logging  
22 information and since the definition information defines the log/event information, it qualifies as  
23 converted log information. Consequently, computers 402-407 are considered log handlers.

24  
25 Appellants respectfully submit that the Examiner's tardy claim construction that "log handler has  
26 been considered a hardware that receives logging information" is overly broad. This definition  
27 essentially labels any device that receives logging information as a "log handler." Thus, any

1 device, including a device that simply stores (such as a database) and/or retransmits (such as a  
2 communication device) could be considered a log handler under the Examiner's definition.

3  
4 The problem with the Examiner's claim construction is that it excludes very few  
5 computer-related devices within the art including many computer-related devices that would not  
6 be considered "log handlers" by those skilled in art. Referring to Appellants' specification, a log  
7 handler does not simply receive the log. Instead, the log handler processes the log (see, e.g.,  
8 paragraph [0052] of Appellants' specification). Appellants position, therefore, is that the  
9 Examiner has not given this term the broadest, *reasonable construction consistent with*  
10 *Appellants' specification*.

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12  
13 On page 10 of the Examiner's Answer, the Examiner responded to the arguments  
14 presented on page 7, line 19 through page 8, line 13 of the Third Appeal Brief regarding the  
15 claimed "log handler" as follows:

16 In response to these series of questions, the Examiner would like to point the column 13,  
17 lines 24-47. In that passage Harita teaches that "both the log information and the event information  
18 of the administrative operations executed by the computers 402 to 407 can be managed by the  
19 managing computer 401, resulting in the better results". Furthermore, since the main task of  
20 managing computer as its name says is to manage the computers on the network and not to  
21 physically solve the problems occurring in those computers. The actual error resolution still has to  
22 be propagated to those computers in the scheduled manner (i.e. definition information) as to  
23 effectively and efficiently solve the existing problems. Consequently, the purpose as well the  
24 advantages of communicating log information from the computers to the managing unit and then  
25 sending those information back in form of definition information should be self evident from this  
26 teaching.

27  
28 Despite Appellants carefully and thoroughly reviewing the above-reproduced response by the  
29 Examiner, Appellants are unclear as to relevance of the Examiner to Appellants' arguments.

1 In short, Appellants argued that the Examiner's analysis (i.e., the Examiner's claim  
2 construction and identification of certain teachings in Hirata to allegedly disclose certain claimed  
3 limitation) would lead to a view of the applied prior art in which many of the claimed steps  
4 would be unnecessary. This leads Appellants to conclude the Examiner's analysis is not properly  
5 founded. The Examiner's response, however, neither refutes Appellants' arguments nor  
6 establishes why these claimed steps would be necessary based upon the Examiner's analysis nor  
7 refers to the actual limitations of the claims. Instead, the Examiner asserts that "the advantages  
8 ... should be self evident from this teaching." Since the Examiner cannot clearly articulate these  
9 advantages, Appellants' position is that the Examiner has failed to address Appellants' arguments  
10 as to the inconsistencies associated with the Examiner's analysis.

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13 On page 11 of the Examiner's Answer, the Examiner responded to the arguments  
14 presented on page 8, line 16 through page 9, line 7 of the Third Appeal Brief regarding the  
15 claimed "log handler" as follows:

16 First of all the Examiner would like to note that the passage of column 6, lines 55-60 is  
17 silent as to converted log file because it was cited in the rejection with respect to the receiving  
18 nodes (i.e. corresponding control units) and not converted log file. In other words once the  
19 computer (log handler) receives definition information, from a managing computer, representing  
20 log information as well as schedule of when certain tasks should be performed based on the data  
21 about the event noted in the log file, the information is then propagated to the compatible node  
22 (i.e. particular type of control unit). As to the converted log file, the definition information  
23 represents such a file, because it defines log/event information and schedule data. Consequently,  
24 the Examiner maintains that Harita teaches "forwarding the converted event log file from the log  
25 handler (computer (402-407)) to the identified receiving node (particular control unit).  
26

27 The Examiner's first assertion that "the passage of column 6, lines 55-60 is silent as to  
28 converted log file because it was cited in the rejection with respect to the receiving nodes" does  
29 not make sense. As claimed, the "receiving node" is inextricably related to the converted event

1 log file (i.e., the receiving node is identified to be compatible with the log type of the converted  
2 event log file, and the converted event log file is forwarded to the identified receiving node).  
3 Thus, how the Examiner can assert that column 6, lines 55-60 can refer to all the limitations  
4 associated with the receiving node is entirely unclear to Appellants. Appellants, therefore,  
5 submit that the Examiner has not addressed Appellants' prior arguments.

6  
7 The Examiner's remaining discussion repeats the Examiner's prior assertions as to what  
8 elements within Hirata allegedly correspond to the claimed limitations and do not address  
9 Appellants' arguments.

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11  
12 The Examiner did not respond to the arguments presented on page 9, lines 9-15 of the  
13 Third Appeal Brief.



For the reasons set forth in the Third Appeal Brief, and for those set forth herein, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 102, 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: August 25, 2008

Respectfully submitted,

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CUSTOMER NUMBER 46320